

REMARKS:

In accordance with the requirement to elect a single species for prosecution, applicant hereby elects group 3 which the Examiner has identified as Figs. 13 to 19 relating to Claims 8 to 14 and 17 to 22.

The grouping of the claims is not generally understood by the undersigned. The grouping is as if there are different species or embodiments in different figures which is not the case. The basic invention is the guide tool with a sideways opening channel to receive the rod and guide the rod to the bone screw. Claims 8 to 14 are directed to the guide tools in combination with a set of implants and are properly also paired with Claims 17 to 22 that are directed to methods of using the combination. Claims 1 to 7 are directed to the subset of the guide tool. Claims 15 and 16 are to the subset of the guide tool and screw and Claim 23 is directed to the subset of the guide tool. Consequently, it is urged that it is proper to examine all of these claims together, as they are all closely linked.

However, it is understood that if the claims of the elected species are all found to be non allowable, then the other claims may not be examined in accordance with the election.

In reviewing the claims for this purpose, it was noted that due to a typographical error, Claim 20 did not include antecedent basis for "channels". Consequently, this claim has been amended to do so.

Kindly call the undersigned, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 22, 2005.

Roger P. Jackson
(Applicant)

By



April 22, 2005

(Date of Signature)